

**BEFORE THE HEARING EXAMINER *PRO TEMPORE*
FOR THE CITY OF REDMOND**

IN THE MATTER OF THE APPEAL
OF WRIGHT RUNSTAD & COMPANY,
as agent for THE CITY OF REDMOND

FILE NO: L030427
City Hall Garage Appeal

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

DECISION

The Redmond Hearing Examiner *Pro Tempore* **GRANTS** the appeal of Wright Runstad & Company from Condition I.K.12 of the Site Plan Entitlement decision issued under File No. L030371: Condition I.K.12 is deleted from the terms of approval.

INTRODUCTION

Wright Runstad & Company (Wright Runstad), 1191 Second Avenue, Suite 2000, Seattle, Washington 98101, filed an appeal on December 29, 2003, from the Site Plan Entitlement issued by the Redmond Technical Committee (Technical Committee)/Design Review Board (DRB) on December 23, 2003, for the new City Hall project. (Exhibits 1G and 1C, respectively) The appeal was assigned File Number L030427 by the Redmond Department of Planning and Community Development (Planning).

The subject property is located at 15670 NE 85th Street in the Sammamish Trail Design Overlay District. (Exhibit 1, p.2)

John E. Galt, Redmond Hearing Examiner *Pro Tempore* (Examiner), held an open record hearing on January 12, 2004. The City gave notice of the hearing as required by the Redmond Community Development Guide (RCDG). (Exhibit 1D)

1 Testimony under oath was presented by:

2
3 Cindy Edens, Wright Runstad

David Glassman, Mulvanny G2 Architects

4 Sally Promer-Nichols, DRB

Jiri Sykora, DRB

5 Dennis Cope, DRB

James Roberts, Technical Committee

6 Judd Black, Technical Committee

7
8 Roger Pearce, Attorney at Law representing Appellant Wright Runstad, presented written and
9 oral argument.

10
11 The following exhibits were offered and admitted:

12
13 Exhibit 1: Technical Committee Report with Attachments A - J

14 Exhibit 2: Pearce Notice of Appearance, January 5, 2004

15 Exhibit 3: Hearing Brief of Appellant Wright Runstad

16 Exhibit 4: Glassman PowerPoint presentation: "Redmond City Hall: Zoning Appeal
17 January 12, 2004"

18 Exhibit 5: Glassman PowerPoint presentation: "Evolution of the Garage Design"

19 Exhibit 6: Hearing Statement from the DRB members who participated in the appeal
20 hearing

21
22 The action taken herein and the requirements, limitations and/or conditions imposed by this
23 decision are, to the best of the Examiner *Pro Tem*'s knowledge or belief, only such as are lawful
24 and within the authority of the Examiner to take pursuant to applicable law and policy.

25
26 **ISSUES**

27
28 Did the Technical Committee/DRB err in imposing Condition I.K.12 on the Site Plan
29 Entitlement for the new City Hall project? Specifically, does the garage design comply with
30 applicable design review standards and/or does the DRB's action violate the zoning provisions of
the RCDG?

1 **FINDINGS OF FACT**

- 2
- 3 1. Wright Runstad seeks removal of Condition I.K.12 (sometimes referred to by the parties
- 4 and also herein as simply “Condition 12”) from the December 23, 2003, Site Plan
- 5 Entitlement for the proposed City Hall project, issued under File Number L030371.
- 6 (Exhibits 1G and 3) The City Hall project includes an above-ground garage structure with
- 7 four levels of parking. (Exhibits 1H, 4, and 5) Condition 12 reads as follows:

8

9 The height and mass of the garage shall be mitigated by either removing

10 one level of the structure or submerging one level below grade.

11 Exhibit 1C, p. 5) Condition 12 originated from the DRB process. (Exhibit 1F)

12

- 13 2. City government proposes to construct a new, larger City Hall and associated facilities,
- 14 including a parking garage, on the present Civic Campus. The Civic Campus houses City
- 15 Hall, City Hall Annex (the former library), the Public Safety Building, the Senior Center,
- 16 a Sculpture Park, and associated surface parking. Adjacent to and integrated into the
- 17 Campus are a King County Library branch and a District Court building. (Exhibit 4,
- 18 Aerial View of Existing Campus and Site Development Plan sheets)
- 19
- 20 3. The Civic Campus is designated Downtown Urban Center/City Center on the adopted
- 21 Comprehensive Plan (Plan). (Plan, Maps LU-1, LU-2 and Map following p. 85) The
- 22 “Downtown has become a major activity and employment center.” (Plan, Land Use § E,
- 23 p. 51, ¶ 1) The Plan directs zoning regulations such as “limits on building height, ...
- 24 building bulk, building placement and intensity” to be used as the primary tools “to
- 25 provide for compatibility between uses, achieve the desired scale and character for an
- 26 area, ensure adequate light and air, ... match the development capability of an area and
- 27 manage potential impacts on transportation systems, other public facilities and public
- 28 services.” (Plan, Policy LU-75, pp. 61 & 62) “In height and scale, downtown Redmond
- 29 should be the primary element of Redmond’s built environment.” (Plan, Policy LU-77, p.
- 30 62) Another Plan policy provides that zoning regulations and design standards are to

insure appropriate scale and character of development throughout the city. (Plan, Policy LU-86, p. 62.1)

4. The Civic Campus is zoned CC-4 (Mixed Use/Office Zone) and is located within the Sammamish Trail Design Overlay District. [RCDG 20C.40.10-040, 20C.40.20-015, and 20C.40.30-010] Public Facilities are a permitted use in the CC-4 zone. [RCDG 20C.40.20-030] The Civic Campus is not located in any of the Height Limit Overlay Areas of RCDG 20C.40.35. Relevant bulk regulations of the CC-4 zone are: Maximum height five stories or 75 feet, whichever is less; 100% lot coverage; zero side yard setback; and five foot setback adjacent to a Residential District.¹ The Sammamish Trail Design Overlay District “[p]rovides for employment uses adjacent to the river in mid-rise buildings.” [RCDG 20C.40.30-060] Design review by the DRB is required for all building permit applications with a few exceptions, none of which apply to the City Hall project. [RCDG 20D.40.10-020(2) and 20F.50.30-020(1)] Design Standards are contained in Chapter 20D.40 RCDG; City-wide Design Standards are contained in RCDG 20D.40.20 - .45; special Design Standards for the Sammamish Trail Overlay District are contained in RCDG 20D.40.115.
5. The portion of the Civic Campus on which the garage is proposed to be located lies within the designated flood plain of the Sammamish River. (Exhibit 4 and testimony)
6. The adjoining property to the north is zoned CC-6 (Mixed Use/Residential Zone) and is located within the Northpoint Design Overlay District. [RCDG 20C.40.10-060, 20C.40.20-015, and 20C.40.30-010] A four story multi-family complex, angled somewhat towards a southwest orientation, with wood-appearing siding and gabled roofs,

¹ Some of the parties seem to interpret this side yard setback as applying where a CC-4 zoned property abuts a property containing residential development. By its own clear language it does not: The five foot side yard setback applies only “adjoining a residential district.” [RCDG 20C.40.40-045] Residential zoning districts are enumerated in RCDG 20C.30.15. Arguably, the five foot setback applies only where property adjoins property bearing one of the RCDG 20C.30.15 zoning district designations. Otherwise, no side yard setback is required in any City Center zone (except possibly within the North Point/East Hill/Carter Design Overlay Areas). [RCDG 20C.40.40-045]

1 is located on the property to the north. Its buildings are not closer than 26 feet from the
2 common property line in the vicinity of the proposed garage. (Exhibit 4)

3
4 7. The City Council has decided to build the City Hall project through a public-private
5 partnership using 6320 bond financing. The project will be built by a private entity which
6 will sell the structures to the non-profit National Development Council, which in turn will
7 own the buildings through Redmond Community Properties, a 501(c)(3) entity. Redmond
8 Community Properties will lease the site from the City, which in turn will lease the
9 buildings from it. The City will own the buildings when the bonds are retired.
10 (Testimony)

11
12 8. The City Council held a competition to determine who would build the facilities. Wright
13 Runstad won that competition and is now acting on behalf of the City to construct the
14 project. The City Council then held a design competition which was won by Mulvanny
15 G2 Architects (Mulvanny) on September 15, 2003. (Exhibit 1I and testimony) The
16 Mulvanny design is depicted in Exhibits 1H and 4.

17
18 9. The present appeal relates only to the parking garage element of the project. The
19 proposed garage will be located essentially on the present footprint of the surface parking
20 area north of the Public Safety Building. As proposed, it will be 292 feet in length, 192
21 feet in width, 30 feet high to the highest parking deck, and approximately 48 feet high to
22 the top of the elevator enclosure. Its long axis runs generally parallel to the north property
23 line; it will be not closer than 40'6" from that property line. It will provide parking for
24 453 vehicles on four levels (the first parking level being at ground level). (Exhibits 1, 1H,
25 and 4) Mulvanny describes the garage's design concepts as follows:

26
27 The proposed new parking garage is larger than the two adjacent City
28 buildings. The Public Safety Building (to the south) is two stories tall, and
29 features relatively blank facades on both north and south sides. The Senior
30 Center is a single story in height.

1 These buildings were constructed prior to the Growth Management Act
2 and Comprehensive Plan, and were designed to fit within an environment
3 of much lower density. Consequently, it seemed inappropriate to look to
4 either of them as design influences for the design of the Garage. Instead,
5 the design for the Parking Garage is more in keeping with the design of
6 the new City Hall.

7
8 Although its aesthetic differs from that of the neighboring buildings, the
9 design does acknowledge its smaller, neighbors with modulated facades,
10 the use of simply detailed, durable materials, and attention to rhythm and
11 proportion. At the southwest corner a sloping glass enclosure surrounding
12 the elevator and stair tower and ornamental trellises at the cornice line
13 introduce a playful quality to the design.

14
15 The sloped ramp has been located along the northern side of the building,
16 creating an upper story setback to minimize the building height on that
17 side. The height of the walls along the north side varies between 24 feet on
18 the eastern end and 34 feet at the west. Metal screening panels, trellis-like
19 elements at the roof line, and finer façade divisions are intended to reduce
20 the scale in respect to the apartment buildings.

21
22 The west and south sides feature a similar palette of materials and
23 architectural elements. The southwest corner is emphasized to identify it
24 as the primary pedestrian entrance. The eastern elevation has been
25 reserved for artist-made building components. This highly visible location,
26 immediately adjacent to the existing Sculpture Park, makes it the ideal
27 location for integrating art into the design.

28
29 The use of color, metal screening elements, trellises, out-hung stairways,
30 cornice elements and the ornamental tower adjacent to the southwest

entrance create a rhythmic, dynamic yet elegant solution for this long, low structure. (Exhibit 4)

10. Wright Runstad and Mulvanny met with the DRB on September 18, October 2, and October 30, 2003, prior to filing application for Site Plan Entitlement on November 10, 2003. (Exhibits 1 and 1E) Mulvanny was revising the garage design as the Site Plan Entitlement review process progressed. (Exhibit 5) The DRB meeting of October 30th resulted in a list of 38 comments about project design, nine of which related specifically to the garage, one of which related specifically to mass and scale: “9. The large garage is unfriendly in scale.” (Exhibit 1I, pp. 5 – 7, quote from p. 7) Wright Runstad and Mulvanny met again with the DRB on November 13, 2003. (Exhibit 1) Planning’s “Consultation” memorandum to the DRB for the November 13th meeting does not find the garage, as then proposed, to conflict with any applicable design review standards. (Exhibit 1I)

11. The DRB made its decision on the project at its meeting on November 24, 2003. Planning’s report to the DRB for the November 24th meeting contained two objections to the size and mass of the garage. Under RCDG 20D.40.20-030(2)(b)(i)(C), a subsection dealing with pedestrian/vehicular facilities, Planning found that its “scale and bulk, by virtue of its function, does not provide visual continuity with the multi-family buildings [to its north across the property line]. It would be ideal if the garage were located closer to the building [meaning the new City Hall].” (Exhibit 1J, p. 3, § 2, ¶ 2) Planning then concluded under RCDG 20D.40.20-030(2)(b)(iii) that the

garage is massive in scale and does not provide visual continuity with its closest neighbor, the multi-family development north of it. This garage is horizontal, with no modulated bays while the existing multi-family development north of it is vertical with undulating rooflines, and human-scaled proportions.

Exhibit 1J, p.3, § 4, ¶ 2) Planning asked the DRB “to determine if the massing and scale of the garage has been mitigated adequately.” (Exhibit 1J, p.6, Item 7) Planning recommended “approval of the garage elevation and site plan with the following conditions”. (Exhibit 1J, p. 7) Neither of the two conditions which followed related to mass and scale. (*Id.*)

12. The DRB voted unanimously on November 24, 2003, to approve the City Hall Project subject to 19 conditions, one of which is: “The Height and the mass of the garage be mitigated by either submerging one level below ground or by reducing the number of parking stalls.”² (Exhibit 1F, p. 5, Item 6) The minutes of the DRB’s discussion indicate that several members expressed objection to the size of the garage, but they do not provide any detailed explanation of the nature or basis of the objections. (Exhibit 1F) Some DRB members apparently expressed the opinion that the City should build a smaller garage to encourage greater transit use. (Testimony)

13. The Technical Committee issued Site Plan Entitlement on December 23, 2003, incorporating therein all conditions from the DRB’s November 24th action. (Exhibit 1C) (The Technical Committee must include all DRB conditions in its decision:

The Design Review Board’s decision following review of an application
in accordance with the preceding subsection and the criteria referenced

² The DRB’s November 24th action is documented only by minutes of the meeting. None of the recommendations in the minutes are supported by or referenced to any design review standards. RCDG Appendix 20F-3(VII)(B)(2) requires each DRB recommendation or decision to include “findings of fact regarding contested issues of fact, and the conclusions shall be referenced to specific provisions of the Development Guide and review criteria incorporated therein, together with reasons and precedents relied upon to support the same.” The minutes do not, on their face, comply with that requirement.

Testimony at hearing indicated that the DRB has not produced recommendations that would meet the letter of that requirement for at least the last 10 years. Testimony also indicated that participants in the DRB process essentially assume the Planning report, which carefully references all applicable design review criteria, to be an integral part of the DRB’s action.

One problem with this approach is that it is not overtly stated in the DRB minutes: No one would know, reading the minutes apart from anything else, that DRB intended Planning’s analysis to be an integral part of its action. Another problem is that to the extent that DRB takes an action not recommended by Planning, no justification is present. To a greater or lesser extent that is the situation here: While Planning’s report expresses concern about the garage, it does not specifically recommend reducing it by one level.

therein, shall be binding on the Technical Committee for matters encompassing building, site, landscape, and sign design.
[RCDG 20F.50.30-020(3))]

14. The present appeal ensued. Wright Runstad has documented its position against Condition 12 in Exhibit 3. Three members of the DRB have documented their position in support of Condition 12 in Exhibit 6, which makes substantial use of references to the RCDG and explains the reasoning of those three DRB members. The Technical Committee now sides with Wright Runstad, arguing in Exhibit 1 that Condition 12 is unjustified and should be deleted from the terms of Site Plan Entitlement approval.

15. Because the garage site is located in a designated flood plain, placing one or more levels of it underground would create significant structural and financial problems/costs. Removing one level would eliminate between 128 and 135 parking spaces. (Testimony)

PRINCIPLES OF LAW

Authority

A Site Plan Entitlement decision by the Technical Committee is a Type II action. An appeal from a Type II action is subject to an open record hearing before the Examiner. [RCDG 20F.30.35-090 and -100] The Examiner makes a final decision on the appeal which is subject to the right of reconsideration and closed record appeal before the Council. [RCDG 20F.30.15-060 and 20F.30.35-120]

Review Criteria

“The Examiner may grant the appeal or grant the appeal with modifications if: ... (b) The Examiner finds that the Type II decision is not supported by a preponderance of the evidence.” [RCDG 20F.30.35-110(1)] The Examiner evaluates the same criteria in fulfilling that obligation as did the original Type II permit decision maker.

1 **Vested Rights**

2 “A vested right shall not arise by virtue of an application for a conditional use permit, site plan
3 entitlement, special use permit, variance, development guide amendment, right-of-way vacation,
4 annexation, temporary use permit, zoning map amendment or any other application submitted
5 prior to application for a building permit.” [RCDG 20F.10.60-030(1)(a)]
6

7 **Standard of Review**

8 The standard of review is preponderance of the evidence. “The Hearing Examiner shall accord
9 substantial weight to the decision of the Technical Committee.” The appellant has the burden of
10 proof. [RCDG 20F.30.35-110(1)]
11

12 **Scope of Consideration**

13 The Examiner has considered: all of the evidence and testimony; applicable adopted laws,
14 ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of
15 record.
16

17 **CONCLUSIONS OF LAW**

- 18
- 19 1. In summary, the preponderance of the evidence shows that Condition 12 is not justified
20 and must be removed from the conditions attached to the Site Plan Entitlement for the
21 City Hall project.
22
- 23 2. The process and criteria used in land use application review must be consistent with state
24 law. One section of Chapter 36.70B RCW is particularly relevant here where the DRB’s
25 hearing memorandum seeks to base a substantial portion of its position on the policy
26 content of the Plan:
27

- 28 (1) Fundamental land use planning choices made in adopted
29 comprehensive plans and development regulations shall serve as
30 the foundation for project review. The review of a proposed
project’s consistency with applicable development regulations or,
in the absence of applicable regulations the adopted comprehensive

plan, under RCW 36.70B.040 shall incorporate the determinations under this section.

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

- (a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;
- (b) Density of residential development in urban growth areas; and
- (c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by [the Growth Management Act].

[RCW 36.70B.030] In short, development regulations must always “trump” policies which address the same subject. Redmond’s RCDG serves to implement Redmond’s adopted policies as contained in the Plan. The Plan’s policies cannot, therefore, serve as the basis for action on a land use application if the same subject is addressed by regulations in the RCDG.

It should also be noted that appellate courts have consistently ruled that purpose statements in ordinances/codes are not part of the regulatory requirements and cannot be used to justify an action.

3. The RCDG requirement to accord substantial weight to the Technical Committee’s decision does not mean that the Examiner must accept it at face value. If the preponderance of the evidence shows that the Technical Committee erred, then its decision need not be sustained.

1 Condition I.K.12 violates the zoning provisions of the RCDG

- 2 4. The garage as proposed is eight times further from the nearest property line than would
3 be required if the adjacent multi-family complex were located in a residential zoning
4 district³ (40 feet versus five feet minimum) and is approximately 50% as tall as allowed
5 by zoning height limits (most of the structure is 34 feet high versus a 75 foot height limit)
6 applicable in the CC-4 zone. Even the stair/elevator tower at the southwest corner of the
7 structure will be nearly 30 feet lower than the maximum allowed height. The proposed
8 garage is well within the structural parameters established by zoning regulations.
9
- 10 5. A developer, public or private, must be allowed to build permitted uses up to the limits
11 established by the zoning provisions of the RCDG. If the City Council wants smaller
12 buildings and/or parking garages further from property lines, then the zoning provisions
13 of the RCDG may be legislatively amended to so provide. Unless and until that time,
14 however, developers may legally rely on the zoning provisions as they exist. Any conflict
15 between that allowed by zoning and that which might otherwise be restricted through the
16 design review process must be resolved as a matter of law in favor of the zoning
17 provisions. [RCDG 20D.40.10-020(2)(e)]
18
- 19 6. Design review cannot be used to constrain permitted uses more severely than allowed by
20 the zoning provisions of the RCDG. (A developer may by choice decide not to build to
21 the full extent allowed by the zoning provisions, but the City may not force a developer
22 to make that choice. That choice has been voluntarily made here: The garage is shorter
23 than allowed and has a greater setback than required by zoning regulations.) The DRB is
24 without authority to prevent development of a permitted use which complies with zoning
25 standards and requirements. Condition I.K.12 is invalid for this reason: The garage is
26 well within zoning parameters; the DRB cannot require it to be even smaller.
27
28

29 ³ Arguably they are not located in a residential zoning district. (See Footnote 1, above.) Residential zoning
30 districts are enumerated in RCDG 20C.30.15. The CC-6 Zone is not listed as a residential zone in that code
section. The CC-6 Zone is described as a Mixed Use/Residential Zone by RCDG 20C.40.10-060. The
Examiner has evaluated this case from the conservative perspective by accepting, without deciding, that the
CC-6 Zone is residential for the purpose of computing required setbacks in the CC-4 Zone.

1 7. Neither the DRB minutes of its November 24, 2003, meeting nor the Site Plan
2 Entitlement Decision itself state a code basis for Condition 12. The absence of such a
3 stated basis is a technical violation of RCDG Appendix 20F-3(VII)(B)(2).⁴ That technical
4 violation, however, has not been considered in deciding this appeal.

5
6 Condition I.K.12 is unwarranted as the garage design meets the applicable Design Standards

7 8. The primary objections stated to the garage by the DRB are its size and mass.⁵ The
8 design standards which relate to building scale and mass are found at RCDG 20D.40.20-
9 030(2), 20D.40.30-030, and 20D.40.115-020(2). The scale and mass standards in the
10 subsections of RCDG 20D.40.20-030(2) are considerations “to create visual continuity
11 between the proposed development and adjacent neighborhoods and the community.”
12 Planning’s argument that the garage ought to be closer to the new City Hall expresses a
13 concern not within the scope of this standard. Further reducing the size of the garage will
14 not improve visual continuity. The standards in RCDG 20D.40.30-030(2)(a) and (c) refer
15 to reducing the “apparent mass/scale” of a building. RCDG 20D.40.115-020(2)(a) and (g)
16 refer to considering height and scale on the one hand and minimizing scale through
17 façade treatment on the other hand. These standards address visual appearance, not actual
18 size *per se*. None of these standards, read objectively, support a requirement to further
19 reduce a 34 foot tall parking garage situated 40 feet from the property line in a zone
20 which allows 75 foot tall buildings within five feet of the property line as a matter of
21 right.

22
23
24 ⁴ Exhibit 6 does not remedy this violation for either or both of two reasons. First, it is not the product of
25 official review and approval by the DRB as an entity. At best it stands for the view of the three DRB
members who participated in the appeal hearing. Whether the other three members concur is unknown.

26 Second, it is not contemporaneous with the action taken. A document prepared one-and-one-half months
27 after the fact cannot meet the requirement to include justification in the action.

28 ⁵ Testimony and Exhibit 6 also indicate that at least some of the DRB members believe that the garage
29 should be smaller to set an example for transit-friendly development. The DRB lacks authority to regulate
30 parking under the RCDG. Forcing developers to reduce the amount of on-site parking to induce more
transit use is not within the scope of the design review process. No design standard authorizes such an
action. In fact, the code sections cited on this point by the DRB members in Exhibit 6 [RCDG 20D.130.10-
020 and -040] are not from the design standards portion of the RCDG: They are part of the parking
standards of the RCDG. Therefore, that argument is beyond the DRB’s authority and will not be addressed
further.

1 9. Further, the tallest part of the garage is furthest from the property line, the total height of
2 the garage is lower than the adjacent apartments (even though it legally could be much
3 higher), vertical façade elements have been incorporated which break up the horizontal
4 lines of the structure, and decorative trellises have been added as suggested by the Design
5 Standards.

6
7 10. The DRB's hearing document (Exhibit 6) cites compatibility and separation criteria in
8 RCDG 20D.40.115-020(2)(a) and (e). No one would say that the garage will have the
9 same architectural style as does the adjacent multi-family complex. But compatibility
10 does not require sameness. The garage is located in a different zone, a higher density
11 zone as a practical matter. It is more modern in design. Yet, it is lower than the multi-
12 family structures, separated from them by more than 65 feet at the closest, and buffered
13 by substantial tree plantings on both sides of the property line. Again, an objective
14 reading of the design standards does not lead to the conclusion reached by the DRB.

15
16 11. The DRB also cites, in the same document, architectural consistency and neighborhood
17 goals provisions in RCDG 20D.40.20-020 and -030 and similar provisions in RCDG
18 20D.40.115-020(2)(a). The criterion in RCDG 20D.40.20-020(2)(c) is limited to areas
19 having "a distinctive architectural context". No distinctive architectural context exists at
20 this site: The Senior Center is a mostly flat-roofed building; City Hall is modern, flat-
21 roofed; the majority of the Public Safety Building has a large gable roof reminiscent of a
22 barn or large industrial warehouse; the multi-family structures have a highly varied gable
23 style; the multi-family structures are wood sided, the public buildings are metal and
24 concrete sided. The reality is that the Civic Campus is already quite different in style
25 from the adjacent multi-family complex. It is also in a different Design Overlay District.
26 The record contains no evidence that the garage would destroy the adjacent multi-family
27 housing by being of a different architectural style.⁶

28
29 12. The mass and scale of the garage comply with applicable Design Standards.

30

⁶ On the contrary, the record indicates that no citizen spoke about the garage at any of the DRB meetings.
(Testimony)

DECISION

The Examiner *Pro Tem* **GRANTS** the appeal of Wright Runstad from the Site Plan Entitlement decision of the Technical Committee/Design Review Board under File No. L030371: Condition I.K.12 within that decision is herewith stricken in its entirety. (In order to avoid confusion, subsequent conditions shall retain their existing numbers.)

Decision issued January 20, 2004.

/s/ John E. Galt

JOHN E. GALT,
Hearing Examiner *Pro Tem*

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You are hereby notified that the foregoing Findings of Fact, Conclusions, and Decision are the final action on this application subject to the right of appeal to the Redmond City Council. Appeal procedures are governed by RCDG 20F.30.40-110 to which the reader is referred for detailed instructions. Please include the application file number on any correspondence regarding this case.

City Hall Garage Appeal - 16 of 16
January 20, 2004

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